

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**[PROPOSED] ORDER GRANTING
PLAINTIFF WAYMO LLC'S MOTION
FOR EXPEDITED DISCOVERY**

Having considered Plaintiff Waymo LLC's ("Waymo") Motion for Expedited Discovery, and good cause having been shown, the Court **GRANTS** Waymo's Motion for Expedited Discovery and **ORDERS** expedited discovery be conducted as follows:

(1) The following four (4) requests are deemed served on defendants Uber Technologies, Inc., Ottomotto LLC, and Otto Trucking LLC (collectively "Defendants") by Waymo as of the date of this Order:

(a) return of any and all non-public materials taken from Google Inc. ("Google") or Waymo (whether electronic or hard-copy), including the over 14,000 proprietary Waymo files taken by Anthony Levandowski and copies thereof, and all metadata

associated with those materials;

- (b) documents sufficient to show Defendants' use, testing, implementation, or consideration of LiDAR units, sensors, technology, or designs;
 - (c) to the extent such documents are not produced pursuant to request (b), all Defendants' design files, presentations (whether internal or external), or documents prepared, edited, contributed to, or presented in whole or in part by any of Defendants' employees who were formerly employees of Waymo or its corporate affiliates ("Former Waymo Engineer(s)") regarding LiDAR units, sensors, technology, or designs within twelve (12) months of such Engineer joining Defendants; and
 - (d) Defendants make available for inspection by Waymo's outside counsel and experts one operating version of each unique LiDAR unit or prototype developed by Defendants, including the type disclosed by Defendants in the September 15, 2016 application to the Nevada Regulatory Authorities as being used by Defendants on its autonomous vehicles and any other single-lens LiDAR unit or prototype, and the associated source code for the vehicles' autonomous driving system. Defendants need not make available duplicate units of the same type or prototype.

17 (2) Defendants must provide the materials responsive to Waymo's requests within seven
18 (7) days of the date of this Order.

19 (3) No later than seven (7) days from the date of Defendants' production (or fourteen (14)
20 days from the date of this Order), Waymo is granted leave to take the following one-day
21 depositions:

22 (a) three depositions (one each) of three Former Waymo Engineers (of Waymo's
23 selection) on the Former Waymo Engineers' transition to Defendants, the use of
24 Waymo's information, possession and retention of Waymo's information, and any
25 documents produced pursuant to Waymo's document requests:

26 (b) one deposition of an engineer knowledgeable about Defendants' autonomous vehicles
27 generally, and the LiDAR unit, sensors, and/or systems made available for inspection
28 specifically; and

1 (c) one deposition of a corporate representative for Defendants pursuant to Fed. R. Civ. P.
2 30(b)(6) on Defendants' possession, maintenance, use, and retention of Waymo's
3 proprietary information.

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5 **IT IS SO ORDERED.**

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7 Dated: _____, 2017

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9 HON. WILLIAM H. ALSUP
United States District Court Judge

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